

ROGER N. POWELL, and
IRIS Q. POWELL, his wife
613 Sunspot Road
Reisterstown, MD 21136

Plaintiffs

vs.

BANK OF AMERICA, NA
100 North Tryon Street
Charlotte, NC 28255

SERVE ON:
Corporation Trust, Inc.
200 East Lombard Street
Baltimore, MD 21202

Defendant

IN THE

CIRCUIT COURT

FOR

WMN 05 CV 2607

BALTIMORE CITY

Case no:

24C 05-7219

COMPLAINT

Come now Roger N. Powell and Iris Powell, Plaintiffs, and sues Bank of America, NA, and
for cause says:

FACTS COMMON TO ALL COUNTS

1. The Plaintiffs have a consumer credit account whereby and in accordance therewith they
are permitted to make purchases and receive cash advances using the said consumer credit account.

2. The Plaintiffs and the Defendant agreed on an interest rate for unpaid balances which the
Plaintiffs are permitted to pay in incremental payments upon receipt of statements sent to them by
the Defendant.

3. Disputes arose as between the parties regarding the amounts due and the rate of interest
charged.

4. Thereupon, the Defendant initiated and engaged upon a series of ongoing practices
regarding the disputed indebtedness, notwithstanding the disputed indebtedness.

COUNT I
Invasion of Privacy - Intrusion Upon Seclusion

5. Plaintiffs reaver the allegations contained in the Facts Common to All Counts as if here fully set out.

6. Your Plaintiffs are private parties.

7. Associated with the said account, there is a right of privacy.

8. Otherwise, the said account is as between the parties confidential.

9. Notwithstanding the state of and nature of the account, the Defendant invaded the Plaintiffs' privacy by their conduct, unreasonably intruding into the Plaintiffs' seclusion; to wit: by calling co-workers at the Plaintiffs' employment and by calling the Plaintiffs' neighbors and making false statements intended to injure the Plaintiffs, to invade Plaintiffs' private matters by publishing information about those matters to said third parties, causing substantial injury and damages to the Plaintiffs by such intrusion and invasion of their privacy and by statements made by the Defendant's representative and otherwise by engaging in a course of harassing conduct, all of which was intrusion into and violative of the Plaintiffs' rights of privacy causing substantial injuries to the Plaintiffs including to their reputations and their standing in the community.

WHEREFORE, your Plaintiff claim Two Hundred Thousand (\$200,000.00) Dollars damages.

COUNT II
Invasion of Privacy - False Light

10. Plaintiffs reaver the allegations contained in the Facts Common to All Counts and in Count I as if here fully set out.

11. Your Plaintiffs are private parties.

12. Associated with the said account, there is a right of privacy.

13. Otherwise, the said account is as between the parties confidential.

14. Notwithstanding the state of and nature of the account, the Defendant invaded the Plaintiffs' privacy by their conduct, unreasonably intruding into the Plaintiffs' seclusion; to wit: by calling co-workers at the Plaintiffs' employment and by calling the Plaintiffs' neighbors and making false statements intended to injure the Plaintiffs, to invade Plaintiffs' private matters by publishing information about those matters to said third parties, causing substantial injury and damages to the Plaintiffs by such intrusion and invasion of their privacy and by statements made by the Defendant's representative and otherwise by engaging in a course of harassing conduct, all of which was intrusion into and violative of the Plaintiffs' rights of privacy causing substantial injuries to the Plaintiffs including to their reputations and their standing in the community.

15. Defendant communicated private information to third parties with reckless disregard as to the truthfulness of the said communication placing your Plaintiffs in a false light in such a manner as would be highly offensive to a reasonable person considering the facts and circumstances, and causing your Plaintiffs substantial harm, injury and damages to their reputations.

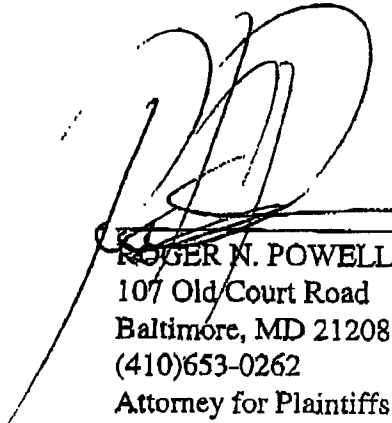
WHEREFORE, your Plaintiff claim Two Hundred Thousand (\$200,000.00) Dollars damages.

COUNT III
Defamation

16. Plaintiffs reaver the allegations contained in the Facts Common to All Counts and in Counts I and II as if here fully set out.

17. For that the Plaintiffs aver that the Defendant defamed them by intentionally making false statements about them to third parties exposing your Plaintiffs to ridicule and damaging their reputations in the community with knowledge that the statements were false, and with the intent to cause the Plaintiffs humiliation, harm, injury and damage, with reckless disregard to the truth or otherwise with malice aforethought.

WHEREFORE, your Plaintiffs claim Two Hundred Thousand (\$200,000.00) Dollars damages.



ROGER N. POWELL
107 Old Court Road
Baltimore, MD 21208
(410)653-0262
Attorney for Plaintiffs

Circuit Court for

05 AUG 1 11 AM 01:01
Baltimore City

City or County

CIVIL NON-DOMESTIC CASE INFORMATION REPORT

Directions:

Plaintiff: This Information Report must be completed and attached to the complaint filed with the Clerk of Court unless your case is exempted from the requirement by the Chief Judge of the Court of Appeals pursuant to Rule 2-111(a). A copy must be included for each defendant to be served.

Defendant: You must file an Information Report as required by Rule 2-323(h).

THIS INFORMATION REPORT CANNOT BE ACCEPTED AS AN ANSWER OR RESPONSE.

FORM FILED BY:

☒ PLAINTIFF ☐ DEFENDANT

CASE NUMBER:

CASE NAME:

Roger Powell, et al

v Bank of America N.A.

JURY DEMAND:

☐ Yes ☒ No

Anticipated length of trial: _____ hours or _____ days

RELATED CASE PENDING?

☐ Yes ☒ No

If yes, Case #(s), if known: _____

Special Requirements?

☒

Interpreter/communication impairment

Which language _____

(Attach Form 1-332 if Accommodation or Interpreter Needed)

Which dialect _____

☐ ADA accommodation: _____

NATURE OF ACTION

(CHECK ONE BOX)

DAMAGES/RELIEF

TORTS

- ☐ Motor Tort
☐ Premises Liability
☐ Assault & Battery
☐ Product Liability
☐ Professional Malpractice
☐ Wrongful Death
☐ Business & Commercial
☒ Libel & Slander
☐ False Arrest/Imprisonment
☐ Nuisance
☐ Toxic Torts
☐ Fraud
☐ Malicious Prosecution
☐ Lead Paint
☐ Asbestos
☒ Other

INVASION PRIVACY

LABOR

- ☐ Workers' Comp.
☐ Wrongful Discharge
☐ EEO
☐ Other

CONTRACTS

- ☐ Insurance
☐ Confessed Judgment
☐ Other

REAL PROPERTY

- ☐ Judicial Sale
☐ Condemnation
☐ Landlord Tenant
☐ Other

OTHER

- ☐ Civil Rights
☐ Environmental
☐ ADA
☐ Other

A. TORTS

Actual Damages

- ☐ Under \$7,500 ☐ Medical Bills
☐ \$7,500 - \$50,000 \$ _____
☐ \$50,000 - \$100,000 ☐ Property Damages
☒ Over \$100,000 \$ _____
☐ Wage Loss \$ _____

B. CONTRACTS

- ☐ Under \$10,000
☐ \$10,000 - \$20,000
☐ Over \$20,000

C. NONMONETARY

- ☐ Declaratory Judgment
☐ Injunction
☐ Other

ALTERNATIVE DISPUTE RESOLUTION INFORMATION

Is this case appropriate for referral to an ADR process under Md. Rule 17-101? (Check all that apply)

A. Mediation

☒ Yes ☐ No

C. Settlement Conference

☒ Yes ☐ No

B. Arbitration

☐ Yes ☒ No

D. Neutral Evaluation

☐ Yes ☒ No

TRACK REQUEST

With the exception of Baltimore County and Baltimore City, please fill in the estimated LENGTH OF TRIAL. THIS CASE WILL THEN BE TRACKED ACCORDINGLY.

- ☐ 1/2 day of trial or less
☒ 1 day of trial time
☐ 2 days of trial time

- ☐ 3 days of trial time
☒ More than 3 days of trial time

PLEASE SEE PAGE TWO OF THIS FORM FOR INSTRUCTIONS PERTAINING TO THE BUSINESS AND TECHNOLOGY CASE MANAGEMENT PROGRAM AND ADDITIONAL INSTRUCTIONS IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE COUNTY, BALTIMORE CITY, OR PRINCE GEORGE'S COUNTY.

Date

7/21/05

Signature